

# VU Research Portal

## Legislation in search of “good-enough” care arrangements for the child

Bakermans, Marian; van IJzendoorn, Marinus H.; Duschinsky, R.; Skinner, Guy

### **published in**

The Oxford Handbook of Children and the Law  
2020

### **DOI (link to publisher)**

[10.1093/oxfordhb/9780190694395.013.5](https://doi.org/10.1093/oxfordhb/9780190694395.013.5)

### **document version**

Publisher's PDF, also known as Version of record

### **document license**

Article 25fa Dutch Copyright Act

[Link to publication in VU Research Portal](#)

### **citation for published version (APA)**

Bakermans, M., van IJzendoorn, M. H., Duschinsky, R., & Skinner, G. (2020). Legislation in search of “good-enough” care arrangements for the child: A quest for continuity of care. In J. G. Dwyer (Ed.), *The Oxford Handbook of Children and the Law* (pp. 1-29). Oxford, UK: Oxford University Press.  
<https://doi.org/10.1093/oxfordhb/9780190694395.013.5>

### **General rights**

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal ?

### **Take down policy**

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

### **E-mail address:**

[vuresearchportal.ub@vu.nl](mailto:vuresearchportal.ub@vu.nl)

## **Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care**

Marinus H. van IJzendoorn, Marian J. Bakermans-Kranenburg, Robbie Duschinsky, and Guy C. M. Skinner

The Oxford Handbook of Children and the Law

*Edited by James G. Dwyer*

Print Publication Date: Apr 2020 Subject: Law, Family Law

Online Publication Date: Jun 2019 DOI: 10.1093/oxfordhb/9780190694395.013.5

### **Abstract and Keywords**

Attachment is the inborn bias of human children to seek the availability of familiar caregivers in times of stress. It has been observed from ancient times and in many cultures, and scaffolds further physical, cognitive, and socioemotional development. The security of these relationships is shaped by the continuity and quality of the child-rearing environment, and is independent of biological ties to the caregiver. In this chapter, the child's right to a “good-enough”—that is, at least minimally adequate but not necessarily ‘best’--family life and the importance of a stable network of attachment relationships is highlighted. Legal issues raised by multi-parent care, including questions around the use of attachment-based assessments for custody decisions, are addressed. Attachment theory is well equipped to inform what caregiving arrangements children need, and legislators, judges, and lawyers may consult it as a source of insight into “good-enough” care arrangements in the interest of the child.

Keywords: attachment, family court decisions, attachment assessments, attachment networks, foster parents, adoptive parents, custody, child development, child maltreatment

## **1. Introduction**

ATTACHMENT can be described as an inborn bias of human children to seek the availability of a familiar caregiver in times of stress, distress, illness, and other physical or psychological discomfort. Bowlby argued that, in the environment in which humans evolved, human offspring would not be able to survive without the care of a conspecific who is able to regulate body temperature, food intake, and stress levels because young infants cannot take care of these basic physiological and psychological needs by themselves, nor preserve themselves from predation.<sup>1</sup> The attachment relationship provides a scaffold for further development in every domain: physical growth including brain, cognitive, and socioemotional development. Attachment can be observed in all cultural settings, and its traces can be found in ancient historical documents. One example is

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

Hector’s farewell to his wife Andromache and his son Astyanax in book six of the *Iliad*, where Hector’s fearsome armor initially scares his little son. Astyanax seeks comfort from his “nanny” and his mother, but when Hector has taken off his armor his son starts to play with him in a lovely way.

(p. 130) Attachment emerges not only in well-functioning families. Even infants growing up with an abusive or neglecting caregiver can form an attachment relationship with that caregiver, such that when distressed they will seek out this caregiver as best they can, especially if other attachment figures are not available.<sup>2</sup> However, the quality of attachment depends profoundly on the environment, in particular on the quality of parental care. In this regard, attachment is like language: All children are born with capacity to learn a language, but *what* language is almost completely dependent on the social environment. Only in environments in which a familiar and stable caregiving figure is unavailable do the specific attachments not form or only partially form.

This chapter begins by explaining the importance of attachment for understanding child psycho-emotional and social development, and for understanding the role of parenting. It will describe the development of attachment relationships early in one’s lifespan, emphasizing that the predisposition to form attachment relationships, though innate, can only be expressed when there is sufficient stability of caregiving for one or more specific relationships to be made. Children’s attachment relationships can be described as relatively secure or insecure, and the chapter will consider potential factors that contribute to individual differences in attachment, before reporting from meta-analytic research on the impact of early attachments on later psycho-emotional and social development. The chapter goes on to highlight the child’s right to a family life and the importance of either biological or adoptive parenting, especially in light of research indicating that children can make remarkable strides in catching up with their peers when they are adopted and leave institutional care. The chapter ends by drawing together the theory and research considered thus far in appraising significant legal issues raised by multi-parent care, including questions around the use of attachment-based assessments within custody decisions.

In a 2018 case, *G.M. v. Carmarthenshire County Council & Anor*, the High Court for England and Wales suggested that attachment theory rests on no “recognized body of expertise” that one could study in a university, and then held that expert testimony about children’s attachment was irrelevant to the question whether a child in care should be transferred to biological parents’ home and so inadmissible in the family court proceeding.<sup>3</sup> Contrary to that judge’s characterization of attachment theory as either too speculative or too obvious to require expert explanation, this chapter shows that attachment research has produced a body of knowledge meeting the highest scientific standards, with clear and non-obvious implications for thinking about children’s interests in family courts.

## **2. Development of Attachment**

The bias to become attached is not an instinct that leads infants to direct attachment behavior to the first human being they meet after birth—in this regard human infants differ from the goslings that followed Konrad Lorenz as he was the first moving “thing” (p. 131) they saw after emerging from the egg. Although newborns have a preference for human smells, voices, and faces, and although they soon learn to distinguish between humans, they have no preference for specific caregivers, and they direct behaviors that elicit contact and proximity at anyone in the vicinity. Infants show selective attachment behavior (crying, laughing, clinging, crawling after someone) from around the fifth or sixth month after birth. By this age the child is well equipped to seek proximity to the attachment figure by crawling, following, and clinging in times of need and distress. The child may protest the caregiver’s departure, and greet the caregiver on their return. If something unexpected or frightening happens, a young child is expected to turn to the caregiver for support. In this phase the physical presence of the caregiver is sought especially when fear, illness, or fatigue arise. Yet after around the second birthday, the child begins to see the caregiver as an independent person, and this phase has been described as a “goal-corrected partnership.”<sup>4</sup> Children begin to realize and accept that others have their own plans and goals, and they can take these into account. They can better deal with the absence of the attachment figure for certain periods of time, and, for instance, can delay their need for contact with the caregiver until after a play date or school day. Moreover, the child will have developed a mental representation of the attachment figure that lessens the need for continuous presence of the caregiver.

Attachment does not stop after early childhood; it lasts “from the cradle to the grave.” A large literature demonstrates the attachment needs of school-age children, adolescents, and adults.<sup>5</sup> On the other hand, not all affectional bonds are attachment relationships. For an affectional relationship to be an attachment relationship, six criteria have been proposed:<sup>6</sup> (1) The bond should be persistent across time, not transitory; (2) it should involve a specific person, who is not easily replaced by someone else; (3) the relationship is emotionally significant; (4) the individual wishes to maintain proximity to or contact with the other; (5) involuntary separation from the other person results in distress; and (6) when distressed, the individual aims to seek security and comfort from the other person. Attachment behaviors differ depending on context and age; and the presence or absence of attachment behavior in any situation does not allow for conclusions about the strength or quality of the attachment relationship.

## **3. Secure and Insecure Attachment**

Attachment relationships are likely to form with familiar caregivers, who can be biologically related, parents by adoption, or foster caregivers. Infants often also receive care from, and might form attachment relationships (or relationships with attachment components) with other familiar individuals such as grandparents, siblings, aunts, or day care providers. Experiences of interaction with a caregiver shape a child’s expectations of

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

what will happen when they are frightened, tired, ill, or otherwise distressed. These expectations lead infants to display different patterns of attachment towards their caregiver. The “gold standard” to observe and measure differences in the quality (p. 132) of the attachment relationship in young children is the Strange Situation Procedure.<sup>7</sup> In this procedure the young child is exposed to two brief separations of the caregiver in an unfamiliar environment with some play material (usually an observation room in a research lab). For children between one and four years old such a separation of up to three minutes is mildly alarming or stressful, and thus elicits attachment behavior. As a result, the behaviors of the child in the Strange Situation, especially on reunion with the caregiver, are informative about the attachment relationship of the dyad.

Secure children seek contact with the caregiver, either physically or through distance interaction, and if distressed are readily comforted by the proximity of and contact with the caregiver, who is used as a “safe haven.” Within a few minutes of being reunited with the caregiver after a brief separation during the Strange Situation, they are ready to resume playing, thus striking the balance between attachment behavior and exploratory behavior.<sup>8</sup> The single most studied and well-validated predictor of attachment security is parental sensitivity, understood as the parent’s ability to (1) notice child signals, (2) interpret these signals correctly, and (3) respond to these signals promptly and appropriately.<sup>9</sup> These components of parental behavior refer to universally relevant aspects of caregiving, including proximity to the child (necessary for protection and meeting basic needs), contingent responding (promoting social and cognitive development), and appropriateness of parental interventions based on the child’s responses rather than on a fixed list of specific parenting behaviors.<sup>10</sup> The association between sensitive parenting and secure infant-parent attachment has been meta-analytically and experimentally supported.<sup>11</sup>

However, not all children develop secure attachments. Three types of insecure attachment relationships have been distinguished: avoidant, ambivalent-resistant, and disorganized. Avoidant attachment is characterized by a minimization of attachment behavior.<sup>12</sup> In the Strange Situation reunion episodes, infants in dyads classified as “avoidant” tend to be reluctant in seeking physical contact. Observations of these dyads at home reveal that the caregivers tend to stress the child’s independence and to be relatively less sensitive to their child’s distress signals.<sup>13</sup> Ambivalent-resistant attachment is characterized by a maximization of attachment behavior—at the cost of the infant’s explorative behavior. Ambivalent-resistant children tend to cling to their parents in the Strange Situation but do not seem to derive sufficient comfort from their parents to resume exploration. They remain fussing and whiney until the end of the procedure. Observations of these dyads at home reveal that the intent and emotional focus of ambivalent-resistant infants on their caregiver seems related to the caregiver’s inconsistent parenting, with a lack of predictability for the infant when its signals are noticed and heeded.<sup>14</sup>

Disorganized attachment is often considered the most insecure type of attachment. Expressions of attachment disorganization include contradictory behaviors on reunion with the caregiver, freezing, and behavior suggesting that the child is alarmed by the caregiver itself.<sup>15</sup> Maltreatment is related to a sharply increased risk for disorganized attach-

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

ment, but a combination of stressors in the parents’ lives can also affect parenting in a way that elicit disorganized attachment,<sup>16</sup> as may long-term caregiver-child (p. 133) separations<sup>17</sup> and parental adverse experiences such as trauma or bereavement.<sup>18</sup> What these diverse antecedents are understood to have in common is that they can especially lead to parental behaviors that at times alarm the infant. Observational research has repeatedly documented links between alarming caregiver behavior at home and disorganized attachment in the Strange Situation.<sup>19</sup> Main and Hesse theorized that alarming caregiver behavior produces a paradox for the infant: When the attachment system is activated, the child is predisposed to seek the availability of its caregiver.<sup>20</sup> However, when a caregiver’s behavior is a source of alarm, the child is inclined to keep away. And when a caregiver is fundamentally unavailable, as for instance in the case of multiple, compounding stressors in the caregiver’s life or in the context of long-term separations, the attachment system is also left unassuaged. Such experiences were theorized to cause confused, conflicted, or fearful behavior directed towards the caregiver by the infant when the attachment system is activated, and to elicit attempts by the child as it develops to regulate the caregiver to ensure what attentional availability might be found.<sup>21</sup>

## 4. Attachment and Temperament

In non-clinical samples, around two-thirds of child-caregiver dyads are classified as securely attached on the basis of child behavior, 20 percent are classified as avoidant, and somewhat more than 10 percent are identified as ambivalent-resistant. All dyads with one of these classifications might also be assigned a “disorganized” classification, which is applied to around 15 percent of dyads in non-clinical samples. How are these differences in attachment quality best explained? We have mentioned evidence suggesting the importance of sensitive caregiving as an antecedent of secure attachment, and of alarming caregiver behavior as an antecedent of disorganized attachment. But naturally the question arises of the role of child characteristics in contributing to attachment patterns with caregivers. If child characteristics were decisive, one would expect that attachment relationships of a specific child with different caregivers (e.g., mother, father, day care provider) would be of the same quality, and that genetic factors play a role in explaining the variance in attachment. A number of studies have explored this possibility, but found little evidence for a genetic predisposition for secure or insecure attachment. First, children have been found to have different relationships with different attachment figures.<sup>22</sup> Fourteen studies with a total of 950 children whose attachment behaviors with both father and mother had been measured showed a meta-analytically combined effect size of  $r = 0.17$ .<sup>23</sup> This means that less than 3 percent of the variance in attachment with one parent can be explained by the attachment relationship with the other parent.

Moreover, genetic studies so far have failed to find strong evidence for child effects.<sup>24</sup> This is remarkable, because for most human traits genetic effects are found to account for up to 50 percent of the variance.<sup>25</sup> Genetic influences are estimated by comparing monozygotic (MZ, or identical) twins, whose structural DNA is exactly the same, with (p. 134) dizygotic (DZ, or fraternal) twins, who share on average half of their DNA. If chil-

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

dren within an MZ twin pair are more similar to each other in terms of attachment (or any other trait) than children within a DZ twin pair, it may be concluded that genetic similarity matters. If there were strong similarity of attachment between MZ twins and much smaller similarity between DZ twins, attachment could be considered highly heritable. However, most twin studies on infant attachment have not found differences in attachment between MZ and DZ twin pairs. There seemed to be little room for genetic influences. In a similar vein, molecular genetics research has not yet been successful in finding substantial genetic main effects on attachment quality. Candidate-gene studies have not been successful in documenting replicable effects.<sup>26</sup> Genome-wide Complex Trait Analysis (GCTA) and Genome-Wide Association Studies (GWAS) have also failed to explain substantial parts of the variance in individual attachment differences.<sup>27</sup> It should be noted, though, that such studies require very large sample sizes, in fact larger than generally available for a trait as complex as attachment.

The influence of genetics on characteristics such as IQ has been shown to increase with age. Family influences seem to decrease as children grow older, since they are increasingly exposed to influences outside the family, and are more able to shape their own environments. Because genetic factors may contribute to the choices that adolescents make, the role of genetic factors tends to increase. In one twin study on attachment in adolescence, higher similarity in attachment in MZ twins than in DZ twins was indeed found, pointing to genetic factors at work.<sup>28</sup> More longitudinal studies going beyond adolescence are needed to test whether heritability of attachment does indeed increase with age. One relevant study included adopted sibling pairs, who were genetically unrelated but grew up in the same family.<sup>29</sup> Attachment was assessed during adulthood using the Adult Attachment Interview.<sup>30</sup> Concordance rates showed substantial similarity of attachment between the siblings. These findings do not support the idea of increased heritability with age, but rather point to an important role for environmental influences.<sup>31</sup> Importantly, experimental intervention studies have shown that changing parental sensitivity also changes infant security, thus supporting the hypothesis that parenting is causally impacting on the quality of the attachment relationship. Yet an intriguing area of research relates to the fact that some of these randomized experiments involving attachment show that this is particularly true for children with difficult temperaments, who are especially susceptible to the quality of the caregiving environment.<sup>32</sup>

## 5. Impact of Early Attachments on Later Development

Numerous studies on the association between attachment security and child development have been conducted, and the only way to make sense of their sometimes diverging results is through meta-analysis: the quantitative combination of all available (p. 135) published and (if possible) unpublished data examining a specific issue. Three such meta-analyses have been done, exploring the associations of attachment with, respectively, externalizing behavior (including aggression, conduct problems, and non-compliance), inter-

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

nalizing behavior (including depression, anxiety, withdrawal), and social competence (positive peer relationships, prosocial behavior). In a meta-analysis of up to one hundred studies with some six thousand children, we found that attachment security predicted better social competence and less externalizing problems.<sup>33</sup> Effect sizes ranged between  $d = 0.30$ – $0.40$ , indicating a modest but robust association. Importantly, across the age range of one to fourteen years the strength of the associations between early attachment and later child outcomes remained equally strong, suggesting long-term prediction. In considering public health and public policy, at the population level such effect sizes are highly meaningful and sizeable compared to other known risk factors, and the protective benefits of secure attachment stretch across several domains. Attachment security was also associated with fewer internalizing problems but the effect size was smaller ( $d = 0.15$ ), which may partly be explained by the fact that internalizing problems are more difficult to measure in children under the age of ten years. Insecure-disorganized attachment appeared to be most strongly predictive of externalizing problem behavior ( $d = 0.34$ ). Of course, part of the long-term predictions might be dependent on continuity of the environment, such as similar parenting styles across time. Yet elsewhere we have shown that such a “confounder” would not explain away all of the prediction of later development on the basis of early attachments.<sup>34</sup>

There are three lessons to be learned from this huge set of data and the meta-analyses conducted thus far. The first is that the association between attachment security and broader child development is robust, replicable, and scientifically well-documented. It is not speculative. The second implication is that attachment security does not tell the whole story of child development. It seems especially important for explaining differences in the development of social competence and externalizing problems, but large parts of the pie have to be accounted for by other factors. Thirdly, insecure attachments are not an index of psychopathology. In general, it appears that insecure attachment is a risk factor that, when combined with other risk factors in the environment and vulnerabilities in the child, may lead to psychological disorders. It is true that disorganized attachment is much more common in samples of maltreated infants and toddlers. Nevertheless, it is not a disorder and not a “marker” of parental maltreatment as children might become disorganized without being abused; for example, parents struggling to cope with a trauma or loss of a loved one have been shown to often have children with disorganized attachments.<sup>35</sup>

## 6. Institutional Care

The critical condition for the formation of an attachment relationship, whether secure or insecure, is familiarity and stability of caregivers. In the regimented nature of (p. 136) institutional care, with high child-to-caregiver ratios, multiple shifts that are needed for 24/7 care, high turnover rates, and frequent changes of caregivers, the development of attachment relationships is practically impossible. The radically negative developmental outcomes of so many children in orphanages show how crucial parenting is for all facets of child development.<sup>36</sup> Many institutionalized children have reduced physical growth and



## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

lower IQs and show socio-emotional difficulties, despite sufficient physical and medical care.<sup>37</sup> Institutional care has been called “structural neglect” tolerated by the state.<sup>38</sup> Similarly, the Trump administration’s “zero tolerance” policy against illegal immigration from Mexico, which led to the separation and institutionalization of more than 2,300 child migrants from their parents by US immigration officials in May and June 2018, might well be considered a policy of structural neglect, as well as the deprivation of the universal right of these children to parental care and a family life.<sup>39</sup>

In his mature writings, Bowlby notes that the first five years are indeed highly relevant for attachment behavior, but he explicitly mentions the possibility of corrective attachment experiences long after the fifth birthday: “The period during which attachment behavior is most readily activated, namely from about six months to five years, is also the most sensitive in regard to the development of expectations of availability of attachment figures, but nevertheless sensitivity in this regard persists during the decade after the fifth birthday albeit in steadily diminishing degree.”<sup>40</sup> Indeed, studies of adopted children show remarkable catch-up in virtually all domains of development. Huge delays in growth and cognition diminish after the transition from institutionalized care to family care. Children who were adopted before their first birthday generally show more favorable outcomes than children who were adopted at later ages, and that is also true for attachment outcomes.<sup>41</sup> Nevertheless, children do catch up in attachment behavior. Bowlby used the metaphor of railway tracks.<sup>42</sup> Shortly after departure it is relatively easy for a train to change tracks. When the train gains speed, it is more difficult but certainly not impossible to change tracks and proceed in a different direction: “Often, fortunately, the diversion is neither great nor lengthy so that return to the main line remains fairly easy. At other times, by contrast, a diversion is both greater and lasts longer or else is repeated; then a return to the main line becomes far more difficult, and it may prove impossible.”<sup>43</sup> This is where adoptive and foster parents may benefit from parenting support, which has well-documented positive effects.<sup>44</sup>

### 6.1. Attachment Networks and Night-Time Care

The fact that institutional care, with multiple caregivers, seriously hampers the formation of attachment relationships does not imply that infants are only or mainly attached to their parents, or even only to their biological mother. This would be a significant misconception. From an evolutionary perspective, sole reliance on a single caregiver, and the biological mother in particular, would have reduced the chances of survival, especially in a context where the risks of dying in childbirth were substantial. (p. 137) Attachment develops in the course of the first years, and children are able to establish several attachment relationships. Of course, in present-day Western societies, many children spend part of their waking hours in day care centers or home-based day care arrangements. Research has shown that professional caregivers can fulfill the role of attachment figure. In a network of attachment figures, separation from one attachment figure, such as the mother, does not imply separation from every secure base. A secure attachment relationship with such a non-kin caregiver can even compensate for insecure attachments to the biological parents in terms of the child’s later socio-emotional functioning.<sup>45</sup> Having said that, a

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

necessary condition for the role of attachment figure is stability and availability, and instability in day care employees as a result of society’s undervaluation of this work has a cost for the conditions for the formation of attachment relationships. In the large NICHD sample, poor quality childcare increased the chances of insecure attachment, especially when parents themselves showed a lack of sensitivity in their caregiving; high-quality childcare increased the chances of secure attachment, especially for the children of relatively less sensitive parents.<sup>46</sup>

However, a special note must be made on night care arrangements, a much debated topic in relation to family court practice.<sup>47</sup> The lack of a stable, familiar caregiver during the night has been found to be related to insecure attachment, even in conditions of normal to high-quality of care during the day.<sup>48</sup> In a study in Israel, kibbutzim with day-care but home-based infant sleeping arrangements were compared to kibbutzim with day-care and communal infant sleeping arrangements, where an intercom was used by the relatively unfamiliar communal caregivers as the primary means to respond to nighttime awakenings. The latter arrangement turned out to be detrimental to the security of attachment with their parents. What are the implications of these findings for, e.g., overnight staying with the non-primary caregiver after divorce? First, that nighttime awakenings may be accompanied by anxiety and elicit attachment behavior. How and by whom this behavior is responded to appears to be important for the development of attachment relationships. When children awake in the night and receive comfort from one of their primary caregivers, they are more likely to establish a secure attachment relationship than if night awakenings are responded to by relative strangers. A second and related point is that *who* comforts a child is more important than *where* the child spends the night. The familiarity of the physical environment is not determinative. In communal sleeping kibbutzim, children slept in an environment that was perfectly familiar to them, but they were comforted in the night by relative strangers, which appears to be by far the more important factor. Third, for most young children reassurance through media devices (intercom) on a regular basis rather than physical presence may not be sufficient when they are frightened during the night.

The results of the kibbutzim study cannot be used as an argument against overnight stays with a familiar adult who is available for the child in times of need. In a careful review of the available research on divorced parents and their children, Lamb has argued that overnights help facilitate secure attachments with those parents who do not (p. 138) co-reside most of the time.<sup>49</sup> Studies by Pruett et al. and Fabricius and Suh documented positive effects, whereas studies showing negative effects were deemed too flawed for their conclusions to be valid.<sup>50</sup>

Central to arguments against overnight visits has been the only observational attachment study with standard, valid attachment measures. This study was conducted by Solomon and George comparing “intact” families with divorced families with or without a co-parenting arrangement including overnight visits to the co-parent.<sup>51</sup> They found that overnight arrangements with the non-resident parent were associated with a higher rate of insecurity with the resident parent, and especially disorganized attachments, com-

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

pared to a non-divorced control group. This finding has been interpreted by some, against the desires of the authors,<sup>52</sup> to imply that overnight care with a non-resident parent is necessarily harmful and should be discouraged within custody arrangements. However, the study does not support such a far-reaching implication. Solomon and George compared three groups: “intact” families, families without an overnight arrangement, and families with overnight visits.<sup>53</sup> Only two groups, however, are relevant, i.e., the families with and without overnight visits, and statistical re-analysis showed a non-significant difference for this comparison (exact p-value = 0.08).<sup>54</sup> According to conventional criteria the study cannot be used as evidence against overnight arrangements. Further support for this conclusion is Solomon and George’s finding that there was no significant relationship between the number of overnight stays with the other parent and infants’ attachment classification with their resident parent. Instead, the extent of parental conflict was the variable the researchers measured that best predicted infants’ attachment. Yet replication of this small but important study is needed in order to confidently interpret its findings and their implications. Not only does the small sample size increase the risk of false positive (and false negative) findings, and the use of maternal self-report for several critical variables raise questions of validity, but also rapid societal and relational changes in the past twenty years require an update of the scientific record. Based on the evidence to date, Lamb concluded that there is no clear evidence that overnight experiences with the other parent have consistently negative effects on the quality of the children’s relationships with their resident parents or on child psychological adjustment.<sup>55</sup>

### 6.2. Multi-Parenthood and Children’s “Best Interests”

In the voluminous report of the Dutch State Committee on the Reassessment of Parenthood, “Child and Parents in the 21st Century,” the committee proposed a change in Dutch law to make possible legal co-parenting by four caregivers.<sup>56</sup> This proposal was a response to the growing phenomenon of multi-parenthood as a consequence of divorce, in vitro fertilization, donor insemination, surrogacy, foster care, or adoption. Consideration of this recent report may serve as an illustration of how attachment theory and research can inspire legislation around families and (p. 139) children, and at the same time might show the boundaries to be kept in mind when changing legislation to accommodate emerging social trends around conception, birth, and family life.

The committee started with the assumption that social parenthood should prevail above biological parenthood, as this would be in the best interest of the child. This is of course in full agreement with attachment theory, which, besides some early remarks by Bowlby,<sup>57</sup> has emphasized the evolutionary benefit of multiple protective caregivers, none of whom need to be biologically related to the child.<sup>58</sup> The most important determinants of attachment security and related aspects of socio-emotional development have been found to be social instead of biological or genetic.

Furthermore, the committee defined the best interest of the child very much in terms of attachment needs, with attention to continuity and stability of care arrangements and protective and involved caregivers available for the child. It should be noted, however,

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

that the “best interest of the child” is more than one might expect in the complicated reality of daily family life, and may be too high a bar against which to measure family relationships, given that there are other values that need to be balanced too. We suggest that Winnicott’s proverbial “good-enough” parenting might better mirror this complexity and allow for less than ideal or optimal arrangements that still serve the basic (attachment) needs of the child, for example when growing up in socio-economically deprived settings. Good enough parenting implies the acceptance of unavoidable ruptures in the daily interactions with the developing child (‘terrible twos’ or ‘rebellious teenagers’) as well as the instructive repair of these ruptures in a constructive and sensitive way.

The committee’s proposals specified that as well as a maximum of four legal co-parents, there would be a maximum of two homes for the child. Co-parents-to-be would be required to solidify their future engagement with the child in a formal contract. The child would be guaranteed a right to know his or her biological roots in order to facilitate identity development. And if (co-)parents decide to divorce, children of at least eight years of age would have the right to choose which parent to reside with. Little attention was given to co-parenting arrangements such as overnight visits after divorce.

The proposal to make legal room for four co-parents has provoked a good deal of controversy in the media. Yet what would be advisable from the perspective of attachment theory? The committee defined a parent as someone who has built and entertains an unconditionally stable and mutually loving relationship with the child. A mere role in the process of conception or birth does not fulfil the requirements of social parenthood as a subject of legalization. In other words, for the committee, an attachment relationship with the child is required to become a legal parent. In the environment of evolutionary adaptedness, growing up in networks of attachment relationships has been suggested to be the rule rather than exception. For example, Hrdy argued that mothers always needed others to help raise her offspring, as an estimated 13 million calories are needed to guide a child to nutritional independence.<sup>59</sup> Multi-parenthood is part and parcel of our evolutionary inheritance and the burden of (p. 140) raising children has always been shared by a community of caretakers: It takes a village to raise a child, according to the traditional Igbo and Yoruba proverb.

But the number of (social) parents to whom young children may become attached might be limited. In our studies of orphanages in Ukraine we found that institutionalized children might have experienced more than forty different caretakers in the course of their first four years of life, and as a consequence no secure attachments could develop.<sup>60</sup> For infants and toddlers the number of potential attachment figures is limited because they are unable to cope with numerous unpredictable transitions between continuously changing caregivers. Their cognitive capacity to keep track of many different caretakers and to build working models of their unique relationships with these caretakers is necessarily limited.

The kibbutz and day care studies show that infants are able to develop attachment relationships with at least three different caregivers: mother, father, and professional caregiver-

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

er.<sup>61</sup> Furthermore, attachment to a professional caregiver is not necessarily detrimental for the child-parent attachment relationship, although we do not know how damaging to the child’s basic trust the more frequent losses of professional caregivers in the lives of the children might be. The scarce literature on networks of attachment does not support limitation of (social and legal) parenthood to only two individuals, as is currently the case in most family laws across the world. But at the same time, despite alignment with Hrdy’s theory highlighting the importance and value of attachment networks, attachment research cannot yet provide sound evidence to support or contradict legislation of four legal parents: We simply do not know whether infants are capable of concurrently establishing unique attachment relationships with four different caretakers, though there is every reason to suspect that as children get older this becomes increasingly more feasible.<sup>62</sup> Nor do we know whether the arrangements would be beneficial or detrimental, or neither. More research is needed to study the consequences of new family forms for the child’s well-being and development, and such work is currently underway.<sup>63</sup>

## 7. Using Attachment-Based Measures to Make Custody Decisions

Child custody disputes often call for valid appraisal of the best interest of the child, and the role of the (co-)parents to guarantee this best interest, defined as (re-)establishment of attachment security and the resolution of experiences or stressful events leading to divorce or separation. It has been claimed that “attachment theory and research has a strong and well-established empirical basis that meets forensic standards for testimony in court.”<sup>64</sup> Attachment measures have been proposed to help evaluate child-parent relationships and provide evidence for court decisions on custody and (overnight) visitation schedules.<sup>65</sup> Expert witnesses have been using attachment measures in legal disputes in the family court.<sup>66</sup>

(p. 141) One danger frequently apparent from court records is the attempt by clinicians and social workers to assess attachment without appropriate training, understanding, or assessments.<sup>67</sup> Main et al. warn against such misuse of attachment measures in family court even when these measures are gold standards in attachment research.<sup>68</sup> They argue that the measures are complicated observational systems and need heavy investment in training to use them reliably. And they specify that extensive knowledge of attachment theory is needed to interpret the assessment results adequately.<sup>69</sup> To give one example, Schofield and Walsh discuss a case in which there was evidence of abuse and neglect of a little girl by her mother.<sup>70</sup> However, the social worker observed a “strong attachment” between the girl and her mother, and argued that this provided evidence against removal. Schofield and Walsh correctly note that children can form attachments even to abusive caregivers, and that abusive and neglecting caregiving may indeed specifically activate an increased intensity of attachment behavior from the distressed child. However, even where experts have appropriate training, understanding, and measurements, attachment

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

measures cannot be decisive for individual cases dealt with in family courts. At most they can offer one limited component of an overall picture.<sup>71</sup>

The basic reason that dependence on attachment measures in this context is unwarranted is the lack of sufficient specificity and sensitivity of the measures for diagnosis of individual cases according to standard psychometric criteria. Attachment measures such as the Strange Situation Procedure for infants, the Cassidy-Marvin system for pre-schoolers,<sup>72</sup> the Manchester Child Attachment Story Task,<sup>73</sup> the Adult Attachment Interview, and other validated attachment measures have been adequately validated for use in empirical research on large samples,<sup>74</sup> but they lack the psychometric qualities to be applied to individual diagnosis: The risks of false positives and false negatives are too large.<sup>75</sup> We agree with Main et al. that established attachment measures should not remain “within the province of academia.”<sup>76</sup> Translational research, however, bridging the gap from basic attachment research to diagnostic application, so far is extremely scarce and has not yet solved the issue of diagnostic specificity and sensitivity of research tools when applied to individual cases.

More generally, we suggest that dependence on static diagnoses or categories as outcomes of gold standard attachment measures might not be the most adequate means of arriving at court decisions and selection of treatments. For example, more process-oriented assessment of the potential for enhanced parenting may be needed for custody cases in which decisions about out-of-home placement are taken.<sup>77</sup> Assessment of the potential for enhanced parenting basically consists of a rather brief but intensive intervention to support the parents in becoming more sensitive to their child, to refrain from harsh parenting, and to resort to consistent but sensitive limit setting when the child shows conduct problems. A parent whose child might be placed out of home because of neglect or abuse (but without immediate danger for the child) may be required by the court to participate in an evidence-based intervention, such as video feedback to promote positive parenting (VIPP-SD),<sup>78</sup> or attachment and bio-behavioral catch-up (ABC) to examine his or her potential to profit from the training.<sup>79</sup>

(p. 142) If the court’s interest is in a parent’s capacity to change his or her behavior to provide adequate care to a child, assessment of the potential for enhanced parenting is the most ecologically valid approach since what is being assessed is as close as possible to the outcome being sought. As such, when the parent is not responsive to such intervention efforts, this can be regarded as a likely signal of how he or she will respond in the future to parent training and support, and the outcome of this process may be used as one of the building blocks for the final decision on out-of-home placement. Preliminary findings seem promising, indicating that such assessment of the potential for enhanced parenting yields better predictive validity for child outcomes and well-being.<sup>80</sup> Of course, more research is needed to replicate and extend these findings. Close cooperation between family court judges, family lawyers, clinicians, and researchers will be essential in the search for optimal legal practice in the best interest of the child—or, better, in creating “good-enough” parenting arrangements for the child.

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

King Solomon once was asked to make a judgment in the case of two women both claiming “ownership” of a child. The king asked for a sword and proposed to divide the child in two. He did not ask the women whether they loved the child, but created an empirical test that triggered parental protective behavior by requiring them to choose between their own interest and that of the child. The woman who was ready to give up the child in order to save its life was deemed by Solomon to be worthy of being the mother, because she let the interest of the child prevail above her own—a primordial example of assessment of the potential for enhanced parenting leading to a justified decision in a complicated case of conflicting interests.

## 8. Conclusions

Returning to *GM v. Carmarthenshire County Council & Anor*, when the judge averred that attachment theory lacks scientific validity, he alluded in support to contexts involving multiple caregivers, as if those render the central premises of the attachment paradigm unsustainable. He also suggested attachment theory or research would provide no insight into a child’s situation. Based on these premises he judged that expert discussion of attachment should not be admissible in the family court.

It is unclear as yet what precedent this case will set in the United Kingdom. However, the evidence presented in this chapter demonstrates that the court’s conclusions were based on an outdated preconception of the current state of knowledge in the field of attachment research. Attachment theory and research do have relevance to the family court, as they offer a well-developed body of knowledge, supported by meta-analytic research demonstrating long-term implications of children’s attachment relationships. The fact that children can receive care from multiple caregivers and establish different attachment relationships has not invalidated attachment research; this idea has firm evolutionary roots and has received empirical confirmation in attachment research.

(p. 143) However, the research from the kibbutzim shows that overnight care by relative strangers is detrimental for children’s security. At the same time, attachment assessments have not been validated for use in assessing individuals within family court practice. At best they provide one component of an overall picture. Attachment theory and research have supplied a basis for validated therapeutic interventions that can improve family mental health. In this context, we have highlighted assessment of the potential for enhanced parenting as an area of particular interest for court decisions and selection of treatments.

Although attachment assessments as yet do not have sufficient sensitivity and specificity to be decisive for court work, attachment theory is well equipped to define what children need most in aggregate. More than half a century of attachment research has demonstrated the basic need of every child for a limited number of familiar caregivers for their socio-emotional development, and it has produced robust, replicable evidence on the conditions necessary for the emergence of secure attachments as well as insight into the wide-ranging developmental consequences of insecure or absent attachments. Legisla-

---

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

tors, judges, and lawyers need to consult a large variety of sources to disentangle complicated family issues, and hopefully attachment theory is one of those sources of insights into “good-enough” care arrangements in the interest of the child.

## Acknowledgments

The authors wish to thank the Netherlands Organisation of Scientific Research (Gravitation program NWO grant number 024.001.003; Spinoza Prize), Wellcome Trust [Grant WT103343MA], and the European Research Council (ERC AdG 669249) for their support for work on this paper. The views expressed are those of the authors and not necessarily those of the NWO, ERC or the Wellcome Trust. The authors have declared that they have no competing or potential conflicts of interest.

## Bibliography

Ainsworth, Mary D. Salter. “American Psychologist.” *Attachments Beyond Infancy* 44, no. 4 (April 1989): 709–716.

Ainsworth, Mary D. Salter. *Infancy in Uganda: Infant Care and the Growth of Attachment*. Baltimore: Johns Hopkins University Press, 1967.

Ainsworth, Mary D. Salter, Silvia M. Bell, and Donelda J. Stayton. “Infant-Mother Attachment and Social Development.” In *The Introduction of the Child Into a Social World*, edited by Martin P. Richards, 95–135. London: Cambridge University Press, 1974.

Ainsworth, Mary D. Salter, Sally N. Wall, and Everett Waters. “Patterns of Attachment.” In *A Psychological Study of the Strange Situation*, edited by Lawrence Erlbaum. Hillsdale, NJ: Psychological Press, 1978.

Allen, Joseph P., and Joseph S. Tan. “The Multiple Facets of Attachment in Adolescence.” In *Handbook of Attachment: Theory, Research, and Clinical Applications*, edited by Jude Cassidy and Phillip R. Shaver, 399–415. 3rd ed. New York: Guilford, 2016.

Bakermans-Kranenburg, Marian J., and Marinus H. Van IJzendoorn. “Attachment, Parenting, and Genetics.” In *Handbook of Attachment: Theory, Research, and Clinical Applications*, edited by Jude Cassidy and Phillip R. Shaver, 155–180. 3rd ed. New York: Guilford Press, 2016.

Bakermans-Kranenburg, Marian J., and Marinus H. Van IJzendoorn. “The Hidden Efficacy of Interventions: Gene x Environment Experiments from a Differential Susceptibility Perspective.” *Annual Review of Psychology* 66, no. 1 (2015): 381–409. <https://www.annualreviews.org/doi/10.1146/annurev-psych-010814-015407>.

(p. 149) Bakermans-Kranenburg, Marian J., and Marinus H. van IJzendoorn. “New and Emerging Insights: Attachment after Infancy.” Presentation, SRCD Biennial Meeting, Montreal, Canada, March 31, 2011.



## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

Bakermans-Kranenburg, Marian J., and Marinus H. van IJzendoorn. “Oxytocin and Human Sensitive and Protective Parenting.” In *Behavioral Pharmacology of Neuropeptides: Oxytocin*, 421–448. New York: Springer, 2017.

Bakermans-Kranenburg, Marian J., Marinus H. van IJzendoorn, and Femmie Juffer. “Less Is More: Meta-Analyses of Sensitivity and Attachment Interventions in Childhood.” *Psychological Bulletin* 129, no. 2 (January 2003): 195–215.

Bowlby, John. *Attachment*. London: Penguin, 1982 [1969].

Bowlby, John. *Maternal Care and Mental Health*. Geneva: World Health Organization, 1951.

Bowlby, John. *Separation: Anxiety and Anger*. New York: Basic Books, 1973.

Bretherton, Inge. “Fathers in Attachment Theory and Research: A Review.” *Early Child Development and Care* 180, no. 1–2 (2010): 9–23.

Byrne, James G., Thomas G. O’Connor, Robert S. Marvin, and William F. Whelan. “Practitioner Review: The Contribution of Attachment Theory to Child Custody Assessments.” *The Journal of Child Psychology and Psychiatry* 46, no. 2 (February 2005): 115–127.

Carey, Benedict. “A Troubling Prognosis for Migrant Children in Detention: ‘The Earlier They’re Out, the Better.’” *New York Times*, June 18, 2018.

Caspers, Kristin, Rebecca Yucuis, Beth Troutman, Stephan Arndt, and Douglas Langbehn. “A Sibling Adoption Study of Adult Attachment: The Influence of Shared Environment on Attachment States of Mind.” *Attachment & Human Development* 9, no. 4 (2007): 375–391.

Cassidy Jude, R. S. Marvin, and the MacArthur Working Group on Attachment. “A System for Classifying the Organization of Attachment Behavior in 3- and 4-Year-Olds.” Paper presented at the meetings of the International Conference on Infant Studies, Washington, DC, 1989. [http://www.psychology.sunysb.edu/attachment/vitae/cassidy\\_cv.pdf](http://www.psychology.sunysb.edu/attachment/vitae/cassidy_cv.pdf).

Cassidy, Jude, and Phillip R. Shaver. “The Multiple Facets of Attachment in Adolescence.” In *Handbook of Attachment: Theory, Research, and Clinical Applications*, by Jude Cassidy and Phillip R. Shaver, 3–24. 3rd ed. New York: Guilford, 2016.

Crittenden, Alyssa N., Nancy L. Conklin-Brittain, David A. Zes, Margaret J. Schoeninger, and Frank W. Marlowe. “Juvenile Foraging Among the Haza: Implications for Human Life History.” *Evolution & Human Behavior* 34, no. 4 (July 2013): 299–304.

Cyr, Chantal, Karine Dubois-Comtois, Genevieve Michel, Caroline Poulin, Katherine Pascuzzo, Valerie Losier, Marilyne Dumais, Diane St-Laurent, and Ellen Moss. “Attachment Theory in the Assessment and Promotion of Parental Competency in Child Protection Cases.” In *Child Abuse and Neglect: A Multidimensional Approach*, edited by Alexander Muela. Rijeka, Croatia: London, InTechOpen, 2012. <http://dx.doi.org/10.5772/48771>.

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

Cyr, Chantal, Eveline M. Euser, and Marian J. Bakermans-Kranenburg. “Attachment Security and Disorganization in Maltreating and High-Risk Families: A Series of Meta-Analyses.” *Development and Psychopathology* 22, no. 1 (Winter 2010): 87–108.

De Wolff, Marianne S., and Marinus H. van IJzendoorn. “Sensitivity and Attachment a Meta-Analysis on Parental Antecedents of Infant Attachment.” *Child Development* 68, no. 4 (August 1997): 571–591.

Dobrova-Krol, Natasha A., Marian J. Bakermans-Kranenburg, Marinus H. van IJzendoorn, and Femmie Juffer. “The Importance of Quality of Care: Effects of Perinatal HIV Infection and Early Institutional Rearing on Preschoolers’ Attachment and Indiscriminate Friendliness.” *Journal of Child Psychology and Psychiatry* 51, no. 12 (December 2010): 1368–1376.

(p. 150) Dozier, Mary, Joan Kaufman, Kobak Roger, Thomas G. O’Connor, Abraham Sagi-Schwartz, Stephen Scott, Carole Schaffer, Judith Smetana, Marinus H. van IJzendoorn, and Charles H. Zeanah. “Consensus Statement on Group Care for Children and Adolescents: A Statement of Policy of the American Orthopsychiatric Association.” *American Journal of Orthopsychiatry* 84, no. 3 (2014): 219–225.

Dozier, Mary, Carolin K. P. Roben, Caron Eb, Julie Hoyer, and Kristin Bernard. “Attachment and Biobehavioral Catch-Up: An Evidence-Based Intervention for Vulnerable Infants and Their Families.” In *The Handbook of Attachment-Based Interventions*, edited by Howard M. Steele and Miriam Steele, 27–49. New York: Guilford Press, 2018.

Fabricius, William, and Goo Woon Suh. “Should Infants and Toddlers Have Frequent Overnight Parenting Time with Fathers? The Policy Debate and New Data.” *Psychology, Public Policy, and Law* 23, no. 1 (2017): 135–156.

Fearon, Pasco, Yael Shmueli-Goetz, Essi Viding, Peter Fonagy, and Robert Plomin. “Genetic and Environmental Influences on Adolescent Attachment.” *Journal of Child Psychology and Psychiatry* 55, no. 9 (2014): 1033–1041.

Garber, Benjamin D. *Developmental Psychology for Family Law Professionals: Theory, Application and the Best Interests of the Child*. New York: Springer Publishing Company, 2009.

Golombok, Susan, Lucy Blake, Jenna Slutsky, Elizabeth Raffanella, Gabriela D. Roman, and Anke Erhardt. “Parenting and the Adjustment of Children Born to Gay Fathers through Surrogacy.” *Child Development* 89, no. 4 (2018): 1223–1233.

Goossens, Frits A., and Marinus H. van IJzendoorn. “Quality of Infants’ Attachments to Professional Caregivers: Relation to Infant-Parent Attachment and Day-Care Characteristics.” *Child Development* 61, no. 3 (1990): 832–837.

Granqvist, Pehr, and Frances Nkara. “Nature Meets Nurture in Religious and Spiritual Development.” *British Journal of Developmental Psychology* 35, no. 1 (2017): 142–155.

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

Granqvist, Pehr, Alan L. Sroufe, Mary Dozier, and Erik Hesse. “Disorganized Attachment in Infancy: A Review of the Phenomenon and Its Implications for Clinicians and Policy-Makers.” *Attachment & Human Development* 19, no. 6 (2017): 535–558.

Green, Jonathan, Charlie Stanley, Vicky Smith, and Ruth Goldwyn. “A New Method of Evaluating Attachment Representations in Young School-Age Children: The Manchester Child Attachment Story Task.” *Attachment & Human Development* 2, no. 1 (May 2000): 48–70.

Groh, Ashley M., R. M. Pasco Fearon, Marinus H. van IJzendoorn, Marian J. Bakermans-Kranenburg, and Glenn I. Roisman. “Attachment in the Early Life Course: Meta-Analytic Evidence for Its Role in Socioemotional Development.” *Child Development Perspectives* 11, no. 1 (2017): 70–76.

Healy, Melissa. “The Long-Lasting Effects of Separating Children from Their Parents at the US Border.” *Los Angeles Times*, June 20, 2018.

Hesse, Erik. “The Adult Attachment Interview: Protocol, Method of Analysis, and Selected Empirical Studies: 1985–2015.” In *Handbook of Attachment: Theory, Research, and Clinical Applications*, edited by Jude Cassidy and Phillip R. Shaver, 553–597. 3rd ed. New York: Guilford Press, 2016.

Howes, Carollee, and Susan Spieker. “Attachment Relationships in the Context of Multiple Caregivers.” *Early Childhood Research Quarterly* 3, no. 4 (1988): 403–416.

Hrdy, Sarah Blaffer. *Mother Nature, Maternal Instincts and How They Shape the Human Species*. New York: Ballentine Books, 2000.

(p. 151) Isabella, Russell A., and Jay Belsky. “Interactional Synchrony and the Origins of Infant-Mother Attachment: A Replication Study.” *Child Development* 62, no. 2 (April 1991): 373–384.

Juffer, Femmie, Marian Bakermans-Kranenburg, and Marinus H. van IJzendoorn. “Attachment-Based Interventions: Sensitive Parenting is the Key to Positive Parent-Child Relationships.” In *The Routledge Handbook of Attachment: Implications and Interventions*, edited by Paul Holmes and Steve Farnfield, 83–103. London: Routledge, 2014.

Juffer, Femmie, Marian J. Bakermans-Kranenburg, and Marinus H. van IJzendoorn. “Pairing Attachment Theory and Social Learning Theory in Video-Feedback Intervention to Promote Positive Parenting.” *Current Opinion in Psychology* 15, no. 1 (2017): 189–194.

Lamb, Michael. “Does Shared Parenting by Separated Parents Affect the Adjustment of Young Children?” *Journal of Child Custody* 15, no. 1 (2018): 16–25.

Lee, S. Margaret, Jessica L. Borelli, and Jessica L. West. “Children’s Attachment Relationships: Can Attachment Data Be Used in Child Custody Evaluations?” *Journal of Child Custody* 8, no. 3 (April 2011): 212–242.

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

Lindauer, Ramon, Marian J. Bakermans-Kranenburg, Marinus H. van IJzendoorn, and Carlo Schuengel. *Thuiswonen of uithuisplaatsen: Betrouwbaarheid van de besluitvorming en innovatie van beslisdiagnostiek op basis van de capaciteit tot verbetering van ouderlijke pedagogische vaardigheden middels een evidence-based interventie* [Out-of-home placement: Reliability of the Decision Process and Innovation of Diagnostic Procedures on the Basis of Assessment of Capacity for Change in Parenting through Evidence-Based Intervention]. Amsterdam: Bascule, 2010.

Ludolph, Pamela S., and Milfred D. Dale. “Attachment in Child Custody: An Additive Factor, Not a Determinative One.” *Family Law Quarterly* 46, no. 1 (March 2012): 1–40.

Luijk, Maartje P. C. M., Glenn I. Roisman, John D. Haltigan, Henning Tiemeier, Cathryn Booth-Laforce, Marinus H. van IJzendoorn, Jay Belsky, et al. “Dopaminergic, Serotonergic, and Oxytonergic Candidate Genes Associated with Infant Attachment Security and Disorganization? In Search of Main Effects and GxE Interactions.” *Journal of Child Psychology and Psychiatry* 52, no. 12 (2011): 1295–1307. <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1469-7610.2011.02440.x>.

Lyons-Ruth, Karlen, and Deborah Jacobvitz. “Attachment Disorganization from Infancy to Adulthood.” In *Handbook of Attachment: Theory, Research and Clinical Applications*, edited by Jude Cassidy and Phillip R. Shaver, 667–695. 3rd ed. New York: Guilford, 2016.

Madigan, Sheri, Marian J. Bakermans-Kranenburg, Marinus H. van IJzendoorn, Greg Moran, David R. Pederson, and Diane Benoit. “Unresolved States of Mind, Anomalous Parental Behavior, and Disorganized Attachment: A Review and Meta-analysis of a Transmission Gap.” *Attachment & Human Development* 8, no. 2 (June 2006): 89–111.

Main, Mary. “Cross-Cultural Studies of Attachment Organization: Recent Studies, Changing Methodologies, and the Concept of Conditional Strategies.” *Human Development* 33, no. 1 (January 1990): 48–61.

Main, Mary, and Erik Hesse. “Parents’ Unresolved Traumatic Experiences Are Related to Infant Disorganized Attachment Status.” In *Attachment in the Preschool Years*, edited by Mark T. Greenberg, Dante Cicchetti and E. Mark Cummins, 161–185. Chicago: University of Chicago Press, 1990.

Main, Mary, and Jude Cassidy. “Categories of Responses to Reunion with the Parent at Age Six: Predicted from Infant Attachment Classification and Stable over a One-Month Period.” *Developmental Psychology* 24, no. 3 (1988): 415–426.

(p. 152) Main, Mary, Erik Hesse, and Siegfried Hesse. “Attachment Theory and Research: Overview with Suggested Applications to Child Custody.” *Family Court Review* 49, no. 3 (July 2011): 426–463.

Main, Mary, Nancy Kaplan, and Jude Cassidy. “Security in Infancy, Childhood, and Adulthood: A Move to the Level of Representation.” *Monographs of the Society for Research in Child Development* 50, no. 1–2 (1985): 66–104.

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

Main, Mary, and Judith Solomon. “Procedures for Identifying Infants as Disorganized/Disorientated During the Ainsworth Strange Situation.” In *Attachment in The Preschool Years*, edited by Mark T. Greenberg, Dante Cicchetti and E. Mark Cummings, 121–160. Chicago: University of Chicago Press, 1990.

Nelson, Charles A., Nathan A. Fox, and Charles H. Zeanah. *Romania’s Abandoned Children: Deprivation, Brain Development and the Struggle for Recovery*. Cambridge, MA: Harvard University Press, 2014.

Pappa, Irene, Eszter Szekely, Viara R. Mileva-Seitz, and Maartje P. C. M. Luijk. “Beyond the Usual Suspects: A Multidimensional Genetic Exploration of Infant Attachment Disorganization and Security.” *Attachment & Human Development* 17, no. 3 (2015): 288–301. <https://www.tandfonline.com/doi/full/10.1080/14616734.2015.1037316>.

Polderman, Tinca C., Beben Benyamin, Christiaan de Leeuw, and Patrick F. Sullivan. “Meta-Analysis of the Heritability of Human Traits Based on Fifty Years of Twin Studies.” *Nature Genetics* 47, no. 7 (2015): 39–59.

Pruett, Marsha Kline, Rachel Ebling, and Glendessa Insabella. “Critical Aspects of Parenting Plans for Young Children.” *Family Court Review* 42, no. 1 (2004): 39–59.

Ruth-Lyons, Karlen, and Deborah Jacobvitz. “Attachment Disorganization from Infancy to Adulthood.” In *Handbook of Attachment: Theory, Research, and Clinical Applications*, edited by Jude Cassidy and Phillip R. Shaver, 667–695. 3rd ed. New York: Guilford, 2016.

Sagi, Abraham, Ora Aviezer, Marinus H. van IJzendoorn, and Frank Donnell. “Sleeping Out of Home in Kibbutz Communal Arrangement: It Makes a Difference for Infant-Mother Attachment.” *Child Development* 65, no. 4 (1994): 992–1004.

Schmidt, Fred, L. Jane Cuttress, Jan Lang, Mary Jane Lewandowski, and Jennine S. Rawana. “Assessing the Parent-Child Relationship in Parenting Capacity Evaluations: Clinical Applications of Attachment Research.” *Family Court Review* 45, no. 2 (April 2007): 247–259.

Schofield, Pamela, and Judi Walsh. “Young Carers—or Children in Need of Care?” *Child & Family Law Quarterly* 22, no. 2 (September 2011): 222–233.

Solomon, Judith. “An Attachment Theory Framework for Planning Infant and Toddler Visitation.” In *Handbook of Divorce and Custody*, edited by Linda Gunsberg and Paul Hymowitz, 259–278. New York: Routledge, 2013.

Solomon, Judith, and Carol George. “The Development of Attachment in Separated and Divorced Families: Effects of Overnight Visitation, Parent, and Couple Variables.” *Attachment and Human Development* 1, no. 1 (1999): 1–33.

Solomon, Judith, and Carol George. *Disorganized Attachment and Caregiving*. New York: Guilford, 2011.

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

Solomon, Judith, and Carol George. “The Measurement of Attachment Security and Related Constructs.” In *Attachment and Human Development*, edited by Jude Cassidy and Phillip R. Shaver, 1–33. New York: Guilford Press, 2016.

Turton, Penelope, Patricia Hughes, Peter Fonagy, and David Fainman. “An Investigation into the Possible Overlap between PTSD and Unresolved Responses Following Stillbirth: An (p. 153) Absence of Linkage with Only Unresolved Status Predicting Infant Disorganization.” *Attachment & Human Development* 6, no. 3 (September 2004): 241–253.

Van den Dries, Linda, Femmie Juffer, Marinus H. van IJzendoorn, and Marian J. Bakermans-Kranenburg. “Fostering Security? A Meta-Analysis of Attachment in Adopted Children.” *Children and Youth Services Review* 31, no. 3 (2009): 410–421.

Van IJzendoorn, Marinus H. “Herijking Ouderschap Pedagogisch Belicht.” [Parenting and Multi-Parenthood Reconsidered].” *Tijdschrift voor Familie- en Jeugdrecht* 39, no.1 (2017): 153–155.

Van IJzendoorn, Marinus H. *Opvoeden in geborgenheid: Een kritische analyse van Bowlby's attachmenttheorie [Parenting in a Safe Haven: A Critical Analysis of Bowlby's Attachment Theory]*. Deventer, Amsterdam: Van Loghum Slaterus, 1982.

Van IJzendoorn, Marinus H., Susan Goldberg, Pieter M. Kroonenberg, and Oded J. Frenkel. “The Relative Effects of Maternal and Child Problems on the Quality of Attachment: A Meta-Analysis of Attachment in Clinical Samples.” *Child Development* 63, no. 4 (August 1992): 840–858.

Van IJzendoorn, Marinus H., Abraham Sagi, and Mirjam W. E. Lambermon. “The Multiple Caretaker Paradox: Data from Holland and Israel.” *New Directions for Child and Adolescent Development* 57, no. 1 (Fall 1992): 5–24.

Verhage, Marije L., Carlo Schuengel, Sheri Madigan, R. M. Pasco Fearon, Miriam Oosterman, Rosalina Cassibba, Marian J. Bakermans-Kranenburg, and Marinus H. Van IJzendoorn. “Narrowing the Transmission Gap: A Synthesis of Three Decades of Research on Intergenerational Transmission of Attachment.” *Psychological Bulletin* 142, no. 4 (2016): 337–366.

Vermeer, Harriet J., and Marian J. Bakermans-Kranenburg. “Attachment to Mother and Nonmaternal Care: Bridging the Gap.” *Attachment & Human Development* 10, no. 3 (2008): 263–273.

Woolfson, Richard. “The Role of ‘Attachment’ in Child Custody and Contact Cases.” *The Journal of the Law Society of Scotland* 59, no. 1 (March 2014): <http://www.journalonline.co.uk/Magazine/59-3/1013713.aspx>. (p. 154)

### Notes:

(1.) John Bowlby, *Attachment and Loss*, vol. 1, *Attachment* (London: Penguin, 1969/1982).

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

(2.) Karlen Lyons-Ruth and Deborah Jacobvitz, “Attachment Disorganization from Infancy to Adulthood,” in *Handbook of Attachment: Theory, Research and Clinical Applications*, 3rd ed., ed. Jude Cassidy and Phillip R. Shaver (New York: Guilford, 2016), 667–695.

(3.) GM v. Carmarthenshire County Council, (2018) EWFC 36. [https://www.familylaw.co.uk/docs/rtf-files/GM\\_v\\_Carmarthenshire\\_County\\_Council\\_2018\\_EWFC\\_36.rtf](https://www.familylaw.co.uk/docs/rtf-files/GM_v_Carmarthenshire_County_Council_2018_EWFC_36.rtf).

(4.) Bowlby, *Attachment*, 1.

(5.) Mary Main, Nancy Kaplan, and Jude Cassidy, “Security in Infancy, Childhood, and Adulthood: A Move to the Level of Representation,” *Monographs of the Society for Research in Child Development* 50, no.1 (1985): 66–104; Joseph P. Allen and Joseph S. Tan, “The Multiple Facets of Attachment in Adolescence,” in *Handbook of Attachment: Theory, Research, and Clinical Applications*, 3rd ed., ed. Jude Cassidy and Phillip R. Shaver (New York: Guilford, 2016), 399–415.

(6.) Mary D. Salter Ainsworth, “American Psychologist,” *Attachments Beyond Infancy* 44, no. 4 (April 1989): 709–716; Cassidy and Shaver, “The Multiple Facets of Attachment in Adolescence.”

(7.) Mary D. Salter Ainsworth et al., “Patterns of Attachment,” in *A Psychological Study of the Strange Situation*, ed. Lawrence Erlbaum (Hillsdale, NJ: Psychology Press, 1978).

(8.) Ibid.

(9.) Mary D. Salter Ainsworth, Silvia M. Bell, and Donelda J. Stayton, “Infant-Mother Attachment and Social Development,” in *The Introduction of the Child into a Social World*, ed. M. P. Richards (London: Cambridge University Press, 1974), 95–135; Marije L. Verhage et al., “Narrowing the Transmission Gap: A Synthesis of Three Decades of Research on Intergenerational Transmission of Attachment,” *Psychological Bulletin* 142, no. 4 (2016): 337–366.

(10.) Mary D. Salter Ainsworth, *Infancy in Uganda: Infant Care and the Growth of Attachment*, (Baltimore: Johns Hopkins University Press, 1967); Marian J. Bakermans-Kranenburg and Marinus H. van IJzendoorn, “Oxytocin and Human Sensitive and Protective Parenting,” in *Behavioral Pharmacology of Neuropeptides: Oxytocin* (New York: Springer, 2017), 421–448.

(11.) Marian J. Bakermans-Kranenburg, Marinus H. van IJzendoorn, and Femmie Juffer, “Less Is More: Meta-Analyses of Sensitivity and Attachment Interventions in Childhood,” *Psychological Bulletin* 129, no. 2 (January 2003): 195–215; Marianne S. De Wolff and Marinus H. van IJzendoorn, “Sensitivity and Attachment: A Meta-Analysis on Parental Antecedents of Infant Attachment,” *Child Development* 68, no. 4 (August 1997): 571–591; Verhage et al., “Narrowing the Transmission Gap.”

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

(12.) Mary Main, “Cross-Cultural Studies of Attachment Organization: Recent Studies, Changing Methodologies, and the Concept of Conditional Strategies,” *Human Development* 33, no. 1 (January 1990): 48–61.

(13.) Ainsworth et al., “Patterns of Attachment.”; Russell A. Isabella and Jay Belsky, “Interactional Synchrony and the Origins of Infant-Mother Attachment: A Replication Study,” *Child Development* 62, no. 2 (April 1991): 373–384.

(14.) Ainsworth et al., “Patterns of Attachment.”; Isabella and Belsky, “Interactional Synchrony and the Origins of Infant-Mother Attachment: A Replication Study.”

(15.) Mary Main and Judith Solomon, “Procedures for Identifying Infants as Disorganised/Disoriented During the Ainsworth Strange Situation,” in *Attachment in The Preschool Years*, ed. Mark T. Greenberg, Dante Cicchetti, and E. Mark Cummings (Chicago: University of Chicago Press, 1990): 121–160.

(16.) Chantal Cyr et al., “Attachment Security and Disorganization in Maltreating and High-Risk Families: A Series of Meta-Analyses,” *Development and Psychopathology* 22, no. 1 (Winter 2010): 87–108.

(17.) Judith Solomon and Carol George, *Disorganized Attachment and Caregiving* (New York: Guilford Press, 2011), 427.

(18.) Penelope Turton et al., “An Investigation into the Possible Overlap Between PTSD and Unresolved Responses Following Stillbirth: An Absence of Linkage with Only Unresolved Status Predicting Infant Disorganization,” *Attachment & Human Development* 6, no. 3 (September 2004): 241–253; Verhage et al., “Narrowing the Transmission Gap.”

(19.) Sheri Madigan, et al., “Unresolved States of Mind, Anomalous Parental Behavior, and Disorganized Attachment: A Review and Meta-Analysis of a Transmission Gap,” *Attachment & Human Development* 8, no. 2 (June 2006): 89–111.

(20.) Mary Main and Erik Hesse, “Parents’ Unresolved Traumatic Experiences are Related to Infant Disorganized Attachment Status,” in *Attachment in the Preschool Years*, ed. Mark T. Greenberg, Dante Cicchetti and E. Mark Cummins (Chicago: University of Chicago Press, 1990).

(21.) Mary Main and Jude Cassidy, “Categories of Response to Reunion with the Parent at Age Six: Predicted from Infant Attachment Classification and Stable over a One-Month Period,” *Developmental Psychology* 24, no. 3 (1988): 415–426; Ruth-Lyons and Jacobvitz, “Attachment Disorganization from Infancy to Adulthood.”

(22.) Frits A. Goossens and Marian. H. van IJzendoorn, “Quality of Infants’ Attachments to Professional Caregivers: Relation to Infant-Parent Attachment and Day-Care Characteristics,” *Child Development* 61, no. 3 (1990): 832–837; Marian H. van IJzendoorn, Abraham Sagi, and Mirjam W. E. Lambermon, “The Multiple Caretaker Paradox: Data from Holland and Israel,” *New Directions for Child and Adolescent Development* 57 (Fall 1992): 5–24.



## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

(23.) Inge Bretherton, “Fathers in Attachment Theory and Research: A Review,” *Early Child Development and Care* 180, no. 1/2 (2010): 9–23.

(24.) For an overview, see Marian J. Bakermans-Kranenburg and Marinus H. van IJzendoorn, “Attachment, Parenting, and Genetics,” in *Handbook of Attachment: Theory, Research, and Clinical Applications*, 3rd. ed. (New York: Guilford Press, 2016), 155–180.

(25.) Tinca C. Polderman et al., “Meta-Analysis of the Heritability of Human Traits Based on Fifty Years of Twin Studies,” *Nature Genetics* 47, no. 7 (2015): 39–59.

(26.) Maartje P. C. M. Luijk, et al., “Dopaminergic, Serotonergic, and Oxytonergic Candidate Genes Associated with Infant Attachment Security and Disorganization? In Search of Main Effects and GxE Interactions,” *Journal of Child Psychology and Psychiatry* 52, no1 (2011): 1295–1307, <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1469-7610.2011.02440.x>.

(27.) Irene Pappa, et al., “Beyond the Usual Suspects: A Multidimensional Genetic Exploration of Infant Attachment Disorganization and Security,” *Attachment & Human Development* 17, no. 3 (2015): 288–301, <https://www.tandfonline.com/doi/full/10.1080/14616734.2015.1037316>.

(28.) Pasco Fearon, et al., “Genetic and Environmental Influences on Adolescent Attachment,” *Journal of Child Psychology and Psychiatry* 55, no. 9 (2014): 1033–1041.

(29.) Kristin Caspers et al., “A Sibling Adoption Study of Adult Attachment: The Influence of Shared Environment on Attachment States of Mind,” *Attachment & Human Development* 9, no. 4 (2007): 375–391.

(30.) Erik Hesse, “The Adult Attachment Interview: Protocol, Method of Analysis, and Selected Empirical Studies: 1985–2015,” in *Handbook of Attachment: Theory, Research, and Clinical Applications*, ed. Jude Cassidy and Phillip R. Shaver, 3rd ed. (New York: Guilford Press, 2016), 553–597.

(31.) Bakermans-Kranenburg and van IJzendoorn, “Attachment, Parenting, and Genetics.”

(32.) Marian J. Bakermans-Kranenburg and Marinus H. van IJzendoorn, “The Hidden Efficacy of Interventions: Gene x Environment Experiments from a Differential Susceptibility Perspective,” *Annual Review of Psychology* 66, no.1 (2015): 381–409, <https://www.annualreviews.org/doi/10.1146/annurev-psych-010814-015407>.

(33.) Ashley M. Groh et al., “Attachment in the Early Life Course: Meta-Analytic Evidence for Its Role in Socioemotional Development,” *Child Development Perspectives* 11, no. 1 (2017): 70–76.

(34.) Marian J. Bakermans-Kranenburg and Marinus H. Van IJzendoorn, “New and Emerging Insights: Attachment After Infancy” (presentation, SRCD Biennial Meeting, Montreal, Canada, March 31, 2011).

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

(35.) Pehr Granqvist et al. “Disorganized Attachment in Infancy: A Review of the Phenomenon and Its Implications for Clinicians and Policy-Makers,” *Attachment & Human Development* 19, no. 6 (2017): 535–558.

(36.) Bakermans-Kranenburg and van IJzendoorn, “New and Emerging Insights,” March 31, 2011.

(37.) Mary Dozier et al., “Consensus Statement on Group Care for Children and Adolescents: A Statement of Policy of the American Orthopsychiatric Association,” *American Journal of Orthopsychiatry* 84, no. 3 (2014): 219–225.

(38.) Bakermans-Kranenburg and van IJzendoorn, “New and Emerging Insights,” March 31, 2011.

(39.) Melissa Healy, “The Long-Lasting Effects of Separating Children from Their Parents at the US Border,” *Los Angeles Times*, June 20, 2018; Benedict Carey, “A Troubling Prognosis for Migrant Children in Detention: ‘The Earlier They’re Out, the Better,’” *New York Times*, June 18, 2018.

(40.) John Bowlby, *Attachment and Loss*, vol. 2, *Separation: Anxiety and Anger* (New York: Basic Books, 1973), 236.

(41.) Charles A. Nelson, Nathan A. Fox, and Charles H. Zeanah, *Romania’s Abandoned Children: Deprivation, Brain Development and the Struggle for Recovery* (Cambridge, MA: Harvard University Press, 2014); Linda Van den Dries et al., “Fostering Security? A Meta-Analysis of Attachment in Adopted Children,” *Children and Youth Services Review* 31, no. 3 (2009): 410–421.

(42.) Bowlby, *Attachment and Loss*, vol. 2, *Separation: Anxiety and Anger*.

(43.) Ibid., 418.

(44.) Femmie Juffer, Marian Bakermans-Kranenburg, Marinus H. van IJzendoorn, “Attachment-Based Interventions: Sensitive Parenting Is the Key to Positive Parent-Child Relationships,” in *The Routledge Handbook of Attachment: Implications and Interventions*, ed. Paul Holmes and Steve Farnfield (London: Routledge, 2014), 83–103; Mary Dozier, Kristin Bernard, and Carolin K. P. Roben, “Attachment and Biobehavioral Catchup: An Evidence-Based Intervention for Vulnerable Infants and Their Families” in *The Handbook of Attachment-Based Interventions*, ed. H. Steele and M. Steele (New York: Guilford, 2018), 27–49.

(45.) Van IJzendoorn, Sagi, and Lambermon, “The Multiple Caretaker Paradox.”

(46.) Harriet J. Vermeer and Marian J. Bakermans-Kranenburg, “Attachment to Mother and Nonmaternal Care: Bridging the Gap,” *Attachment and Human Development* 10, no. 3 (2008): 263–273, doi: 10.1080/146167308021135882008.

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

(47.) Mary Main, Erik Hesse, and Siegfried Hesse, “Attachment Theory and Research: Overview with Suggested Applications to Child Custody,” *Family Court Review* 49, no. 3 (July 2011): 426–463.

(48.) Abraham Sagi et al., “Sleeping Out of Home in Kibbutz Communal Arrangement: It Makes a Difference for Infant-Mother Attachment,” *Child Development* 65, no. 4 (1994): 992–1004.

(49.) Michael E. Lamb, “Does Shared Parenting by Separated Parents Affect the Adjustment of Young Children?,” *Journal of Child Custody* 15, no. 1 (2018): 16–25.

(50.) Studies by Marsha K. Pruett, et al., “Critical Aspects of Parenting Plans for Young Children,” *Family Court Review* 42, no. 1 (2004): 39–59; William Fabricius and Goo Woon Suh, “Should Infants and Toddlers Have Frequent Overnight Parenting Time with Fathers? The Policy Debate and New Data,” *Psychology, Public Policy, and Law* 23, no. 1 (2017): 135–156; Lamb, “Parenting by Separated Parent.”

(51.) Judith Solomon and Carol George, “The Development of Attachment in Separated and Divorced Families: Effects of Overnight Visitation, Parent, and Couple Variables,” *Attachment and Human Development* 1, no. 1 (1999): 1–33.

(52.) Judith Solomon, “An Attachment Theory Framework for Planning Infant and Toddler Visitation,” in *Handbook of Divorce and Custody*, ed. Linda Gunsberg and Paul Hymowitz (New York: Routledge, 2013), 259–278.

(53.) Solomon and George, “The Development of Attachment.”

(54.) Marinus H. Van IJzendoorn, “Herijking Ouderschap Pedagogisch Belicht,” *Tijdschrift voor Familie-en Jeugdrecht* 39, no. 1 (2017): 153–155.

(55.) Lamb, “Parenting by Separated Parent.”

(56.) Richard Woolfson, “The Role of ‘Attachment’ in Child Custody and Contact Cases,” *The Journal of the Law Society of Scotland* 59, no.1 (March 2014): 3, <http://www.journalonline.co.uk/Magazine/59-3/1013713.aspx>.

(57.) John Bowlby, *Maternal Care and Mental Health* (Geneva: World Health Organization, 1951).

(58.) Marinus H. van IJzendoorn et al., *Opvoeden in geborgenheid: Een kritische analyse van Bowlby's attachmenttheorie* (Amsterdam: Van Loghum Slaterus, 1982).

(59.) Sarah Blaffer Hrdy, *Mother Nature, Maternal Instincts and How They Shape the Human Species* (New York: Ballantine Books, 2000), 752.

(60.) Natasha A. Dobrova-Krol et al., “The Importance of Quality of Care: Effects of Perinatal HIV Infection and Early Institutional Rearing on Preschoolers’ Attachment and

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

Indiscriminate Friendliness,” *Journal of Child Psychology and Psychiatry* 51, no. 12 (December 2010): 1368–1376.

(61.) Marinus van IJzendoorn et al., “The Relative Effects of Maternal and Child Problems on the Quality of Attachment: A Meta-Analysis of Attachment in Clinical Samples,” *Child Development* 63, no. 4 (August 1992): 840–858, <https://doi.org/10.1111/j.1467-8624.1992.tb01665.x>; Frits A. Goossens and Marinus H. van IJzendoorn, “Quality of Infants’ Attachments”; Carollee Howes and Susan Spieker, “Attachment Relationships in the Context of Multiple Caregivers,” *Early Childhood Research Quarterly* 3, no. 4 (1988): 403–416.

(62.) Hrdy, *Mother Nature, Maternal Instincts and How They Shape The Human Species*, 752.

(63.) E.g., Susan Golombok et al., “Parenting and the Adjustment of Children Born to Gay Fathers Through Surrogacy,” *Child Development* 89, no. 4 (2018): 1223–1233.

(64.) Fred Schmidt et al., “Assessing the Parent-Child Relationship in Parenting Capacity Evaluations: Clinical Applications of Attachment Research,” *Family Court Review* 45, no. 2 (April 2007): 247–259.

(65.) James G. Byrne et al., “Practitioner Review: The Contribution of Attachment Theory to Child Custody Assessments,” *The Journal of Child Psychology and Psychiatry* 46, no. 2 (February 2005): 115–127; Woolfson, “The Role of ‘Attachment’ in Child Custody and Contact Cases,” 3.

(66.) Alyssa N. Crittenden et al., “Juvenile Foraging among the Hadza: Implications for Human Life History,” *Evolution & Human Behavior* 34, no. 4 (July 2013): 299–304.

(67.) Pamela S. Ludolph and Milfred D. Dale, “Attachment in Child Custody: An Additive Factor, Not a Determinative One,” *Family Law Quarterly* 46, no. 1 (March 2012): 1–40.

(68.) Main, Hesse, and Hesse, “Attachment Theory and Research: Overview with Suggested Applications to Child Custody.”

(69.) Ibid.

(70.) Pamela Schofield and Judi Walsh, “Young Carers—or Children in Need of Care?,” *Child & Family Law Quarterly* 22, no. 2 (September 2011): 222–233.

(71.) Benjamin D. Garber, PhD., *Developmental Psychology for Family Law Professionals: Theory, Application and the Best Interests of the Child* (New York: Springer Publishing Company, 2009), 1–408; Pehr Granqvist et al., “Nature Meets Nurture in Religious and Spiritual Development,” *British Journal of Developmental Psychology* 35, no. 1 (2017): 142–155.

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

---

(72.) Jude Cassidy, R. S. Marvin, and the MacArthur Working Group on Attachment, “A System for Classifying the Organization of Attachment Behavior in 3- and 4-Year-Olds” (paper presented at the meetings of the International Conference on Infant Studies, Washington DC, 1989), [http://www.psychology.sunysb.edu/attachment/vitae/cassidy\\_cv.pdf](http://www.psychology.sunysb.edu/attachment/vitae/cassidy_cv.pdf).

(73.) Jonathan Green, et al., “A New Method of Evaluating Attachment Representations in Young School-Age Children: The Manchester Child Attachment Story Task,” *Attachment & Human Development* 2, no. 1 (May 2000): 48–70.

(74.) Erik Hesse, “The Adult Attachment Interview: Protocol, Method of Analysis, and Selected Empirical Studies: 1985–2015.”

(75.) S. Margaret Lee et al., “Children’s Attachment Relationships: Can Attachment Data Be Used in Child Custody Evaluations?,” *Journal of Child Custody* 8, no. 3 (April 2011): 212–242; Judith Solomon and Carol George, “The Measurement of Attachment Security and Related Constructs,” in *Attachment and Human Development*, ed. Judge Cassidy, and Phillip R. Shaver (New York: Guilford Press, 2016), 1–33.

(76.) Main, Hesse, and Hesse, “Attachment Theory and Research: Overview with Suggested Applications to Child Custody.”

(77.) Ramon Lindauer et al., *Thuiswonen of uithuisplaatsen: Betrouwbaarheid van de besluitvorming en innovatie van beslisdiagnostiek op basis van de capaciteit tot verbetering van ouderlijke pedagogische vaardigheden middels een evidence-based interventie* [Out-of-Home Placement: Reliability of the Decision Process and Innovation of Diagnostic Procedures on the Basis of Assessment of Capacity for Change in Parenting through Evidence-Based Intervention] (Amsterdam: Bascule, 2010).

(78.) Femmie Juffer, Marian J. Bakermans-Kranenburg, and Marinus van IJzendoorn, “Pairing Attachment Theory and Social Learning Theory in Video-Feedback Intervention to Promote Positive Parenting.” *Current Opinion in Psychology* 15, no. 1 (2017): 189–194. Juffer, Bakermans-Kranenburg, and van IJzendoorn, “Attachment-Based Interventions: Sensitive Parenting Is the Key to Positive Parent-Child Relationships.”

(79.) Mary Dozier et al., “Attachment and Biobehavioral Catch-Up: An Evidence-Based Intervention for Vulnerable Infants and Their Families,” in *The Handbook of Attachment-Based Interventions*, ed. Howard M. Steele and Miriam Steele, 27–49 (New York: Guilford Press, 2018).

(80.) Cyr et al., “Attachment Theory in the Assessment and Promotion of Parental Competency in Child Protection Cases,” in *Child Abuse and Neglect—A Multidimensional Approach*, ed. Alexander Muela (Rijeka, Croatia: London, InTech Open, 2012), 63–86, <http://dx.doi.org/10.5772/48771>.

---

**Marinus H. van IJzendoorn**

## Legislation In Search of “Good-Enough” Care Arrangements for the Child: A quest for continuity of care

Erasmus University Rotterdam and University of Cambridge

**Marian J. Bakermans-Kranenburg**

University of Leiden

**Robbie Duschinsky**

University of Cambridge

**Guy C. M. Skinner**

University of Cambridge